

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

JERMAINE CORDELL CLARK,)
)
 Plaintiff,) CIVIL ACTION NO.
)
 v.) 2:23cv692-MHT
) (WO)
 CPT. FRANETT D. RILEY,)
 et al.,)
)
 Defendants.)

ORDER

Before the court are plaintiff's motion to reopen this case and an included motion to proceed in forma pauperis (Doc. 48). For the following reasons, it is ORDERED that the motions are denied.

This case was dismissed on January 28, 2025, following a recommendation of dismissal from the United States Magistrate Judge based on a failure to prosecute. In support of plaintiff's motion to reopen the case, he states he was arrested and detained from September 4, 2024, through October 25, 2024, and that he suffered trauma and personal losses as a result of his detention.

He asserts these facts constitute excusable neglect under Rule 60(b)(1) of the Federal Rules of Civil Procedure.

The magistrate judge's recommendation of dismissal was entered on November 12, 2024, and plaintiff had until November 26, 2024, to file objections to the recommendation. Moreover, the undersigned judge did not rule on the magistrate judge's recommendation until January 28, 2025, and plaintiff did not request an extension of time in those subsequent two months. The court finds that plaintiff's detention, which ended on October 25, 2024, and the resulting trauma and losses do not constitute excusable neglect for failing to file objections by the November 26 deadline or to request an extension of the deadline before January 28, 2025, if one was needed.

However, because this action was dismissed without prejudice, plaintiff may file a new case raising the same claims as he made in this case.

DONE, this the 4th day of April, 2025.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE